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ABSTRACT

This study examined the enrollment rates and policies related to non-resident first-time-in-college (FTIC) students at State University System (SUS) institutions in Florida. It found that non-resident FTIC students were not taking SUS admission spaces from qualified Florida residents in any great numbers. Nevertheless, it recommends that: (1) the high school grades and test scores of non-resident FTIC students should at least equal to those of resident FTIC students at selective SUS institutions; (2) SUS institutions should cease the alternative admission of non-resident FTIC students so long as academically qualified resident FTIC students are turned away; (3) non-resident FTIC enrollments should be capped near current levels, at 15 percent; (4) resident community college graduates should receive priority over non-resident students for admission to SUS institutions; (5) non-resident students pay the full cost of college-level remedial instruction at public institutions; (6) a non-residency classification policy audit be conducted; (7) school registrars meet biennially to discuss residency classification problems; and (8) residency status be indicated on all transcripts issued by public postsecondary institutions. Three appendixes provide information on home state enrollments, state reciprocity agreements, and relevant state statutes. (MDM)

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ED 394 373

AN ANALYSIS OF NON-RESIDENT FIRST-TIME-IN-COLLEGE STUDENTS IN FLORIDA PUBLIC POSTSECONDARY INSTITUTIONS

HE 028 999

Report and Recommendations by the Florida Postsecondary Education Planning Commission

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The Postsecondary Education Planning Commission, initially created by executive order in 1980, given statutory authority in 1981 (SS 240.145 and 240.147, Florida Statutes), and reauthorized by the 1991 Legislature, serves as a citizen board to coordinate the efforts of postsecondary institutions and provide independent policy analyses and recommendations to the State Board of Education and the Legislature. The Commission is composed of 11 members of the general public and one full-time student registered at a postsecondary education institution in Florida. Members are appointed by the Governor with the approval of three members of the State Board of Education and subject to confirmation by the Senate.

The major responsibility of the Commission is preparing and updating every five years a master plan for postsecondary education. The enabling legislation provides that the Plan "shall include consideration of the promotion of quality, fundamental educational goals, programmatic access, needs for remedial education, regional and state economic development, international education programs, demographic patterns, student demand for programs, needs of particular subgroups of the population, implementation of innovative educational techniques and technology, and the requirements of the labor market. The capacity of existing programs, in both public and independent institutions, to respond to identified needs shall be evaluated and a plan shall be developed to respond efficiently to unmet needs."

Other responsibilities include recommending to the State Board of Education program contracts with independent institutions; advising the State Board regarding the need for and location of new programs, branch campuses and centers of public postsecondary education institutions; periodically reviewing the accountability processes and reports of the public and independent postsecondary sectors; reviewing public postsecondary education budget requests for compliance with the State Master Plan; and periodically conducting special studies, analyses, and evaluations related to specific postsecondary education issues and programs.

Further information about the Commission, its publications, meetings and other activities may be obtained from the Commission office, 224 Collins Building, Department of Education, Tallahassee, Florida, 32399-0400; telephone (904) 488-7894; FAX (904) 922-5388.

POSTSECONDARY EDUCATION PLANNING COMMISSION

AN ANALYSIS OF NON-RESIDENT FIRST-TIME-IN-COLLEGE STUDENTS IN FLORIDA PUBLIC POSTSECONDARY INSTITUTIONS

Prepared in Response to Specific Appropriation 198
of the
1995 General Appropriations Act
Chapter 95-429, Laws of Florida

December, 1995

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EXECUTIVE SUMMARY

Proviso language accompanying Specific Appropriation 198 of the 1995 General Appropriations Act directed the Postsecondary Education Planning Commission to:

> *prepare an analysis of non-resident first-time-in-college students in Florida public postsecondary institutions. The analysis shall include at a minimum:*
>
> *1) The number of students enrolling in each of the past three years, including the number enrolled as alternative admits and the associated percentage these students represent of the total enrollment.*
> *2) The admissions standards which these students were required to meet.*
> *3) The amount of student financial aid received by these students, by fund source.*
> *4) A determination of the number of students who converted to in-state status for tuition purposes.*
> *5) A survey of the policies in other states regarding the ability of out-of-state students to convert to in-state status for tuition purposes.*
> *6) The amount of state-funded financial aid awarded to the students in number 4 above.*
> *7) A summary of non-resident enrollment policies in effect in other states.*
> *8) A determination of the percentage of the cost of education these students pay in Florida; and a comparison to other states.*

This study arose out of concern over the extent to which the enrollment of out-of-state students precludes qualified Florida residents from enrolling as first-time-in-college (FTIC) students in the state's public institutions. Secondary issues relating to tuition, financial aid, remediation, and the implementation of residency classification policy were also explored during the course of the study. The report is organized as a series of issues, conclusions, and recommendations based on information provided by the State Board of Community Colleges and Board of Regents, national residency and migration data, interviews with selected community college registrars, and the Commission's survey of State Higher Education Executive Officers.

Issue: Access for Qualified Floridians

Conclusion:
It does not appear that non-resident FTICs are taking State University System admission spaces from qualified Florida residents in any great numbers.

Recommendation 1:
The State University System, however, should demonstrate its commitment to Florida residents by ensuring that, for universities operating above Board of Regents minimum admissions standards, the average high school grade

point and standardized test scores of non-residents admitted to the freshman class are at least equal to those of Florida residents in the class.

Recommendation 2:
As long as any academically qualified Florida resident FTICs are unable to find a place in the system, state universities should cease the alternative admission of non-resident FTICs, except in a few carefully defined and deemed necessary by the Board of Regents, to allow the system to accommodate students with important attributes or special talents.

Recommendation 3:
BOR Rule 6C-7.006, which limits non-residents to ten percent of systemwide total enrollment, should be revised to apply to undergraduate enrollment only. Non-resident first-time-in-college enrollments in the State University System should be capped near current levels, at 15 percent.

Recommendation 4:
Section 240.115(1)(a), Florida Statutes, should be amended to read "...Community college associate in arts graduates shall receive priority for admission to a state university over out-of-state students. Native university students and community college associate in arts graduates shall receive priority over non-resident students who transfer from an out-of-state institution in admission to upper division limited access programs in the State University System, provided they meet the admissions criteria put in place by the limited access program to which they are applying."

Issues: Tuition, Financial Aid, and Remediation Costs

Conclusion:
From available data, the awarding of state-funded financial aid to students who entered the State University System as non-residents and were subsequently reclassified as residents does not seem to be a major concern. For a more complete analysis of this issue, however, tracking would be required over a longer period of time and of the actual dollar amounts awarded.

Recommendation 5:
The Board of Regents and the Division of Community Colleges should demonstrate annually that non-residents taking developmental courses are paying at least the full cost of remedial instruction.

Issue: Implementation of Residency Classification Policy

Recommendation 6:
The Board of Regents and the Division of Community Colleges should each conduct one post-reciprocity rule audit of a random sample of student records to verify the rule's standardizing effect on residency classification and reclassification decisions.

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Recommendation 7:
Community college and state university registrars should meet on a biennial basis to discuss continuing residency classification problems and new scenarios not covered by State Board of Education Rule 6A-10.044, with consensus from those discussions being incorporated into the Residency Manual.

Recommendation 8:
Until FASTER is fully implemented statewide, all public postsecondary institutions should indicate whether the student has been classified as a resident for tuition purposes on the hard copy of the academic transcript.

LEGISLATIVE CHARGE

Proviso language accompanying Specific Appropriation 198 of the 1995 General Appropriations Act directed the Postsecondary Education Planning Commission to:

> *prepare an analysis of non-resident first-time-in-college students in Florida public postsecondary institutions. The analysis shall include at a minimum:*
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> *7) A summary of non-resident enrollment policies in effect in other states.*
> *8) A determination of the percentage of the cost of education these students pay in Florida; and a comparison to other states.*

DEFINITIONS

The State Board of Community Colleges (SBCC) defines a first-time-in-college (FTIC) student as one attending the institution for the first time with no credit toward a degree or formal award from any other institution and who is enrolled in courses in one of the following instructional areas: Advanced and Professional, Postsecondary Vocational, Postsecondary Adult Vocational (if certificates are awarded), College Preparatory, or Vocational Preparatory. The Board of Regents (BOR) defines an FTIC as a student with fewer than 12 credit hours earned after the high school graduation date.

METHOD

Data from the SBCC and the BOR were to form the cornerstone of these analyses. The Commission received partial responses to its data requests from the SBCC and BOR. Based on the data available, a complete response to all items in proviso was not possible.

Proviso language also calls for the Commission's analysis to include a survey of non-resident student policies in other states. In June 1995, a survey was mailed electronically to the chief academic and financial officers in each State Higher Education Executive Office (SHEEO). The 35 responses returned were supplemented with data from recent surveys by the Western Interstate Commission on Higher Education, the Southern Regional Education Board, and the Florida BOR, resulting in partial or complete data from 43 states.

Survey results are reported throughout the ensuing narrative as they are relevant to each issue. Responses to each question are summarized in Appendix B for all states and for 14 "comparison states." Comparison states are those that enroll at least half as many FTIC students in their public two- and four-year institutions as Florida, and they are net importers of FTIC students. In alphabetical order, these states are Alabama, Arizona, California, Colorado, Georgia, Indiana, Maryland, Michigan, North Carolina, Ohio, Texas, Virginia, Washington, and Wisconsin.

NATIONAL CONTEXT

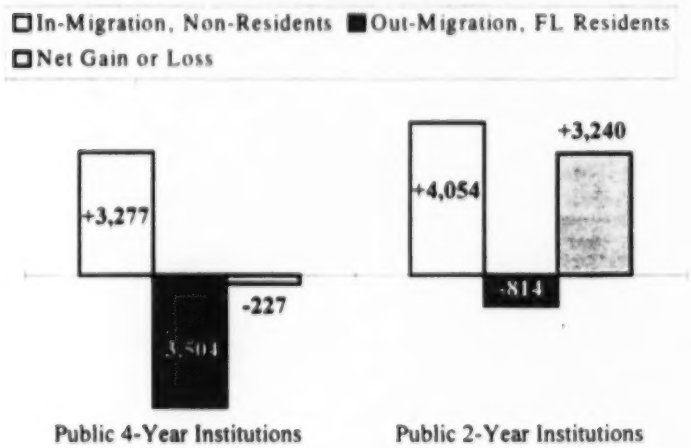
The most recent residency and migration data available from the National Center for Education Statistics (NCES) show that of the 53,278 Florida residents who enrolled in public higher education as first-time freshmen in Fall 1992, 92 percent remained in Florida (Appendix A, Figure A-1). This ranks Florida 21st nationally and places the state two percentage points above the national average.

In Fall 1992, Florida was one of 38 states whose public postsecondary institutions were net importers of first-time freshmen. This net gain accounted for 5.4 percent of Florida's public postsecondary FTIC enrollment, ranking the state 24th nationally (Figure 2, facing page). However, the entirety of that net gain is in the public two-year postsecondary sector (Figure 1, below). Florida ranks second nationally behind California in terms of net migration when the universe is defined as students who choose a public two-year institution. Florida is actually a net exporter of FTIC students who choose a public four-year institution, ranking 40th in net migration among public four-year institutions.

Florida is a net importer of first-time freshmen who choose public 2-year postsecondary education. The state is a net exporter of FTIC students in the public 4-year sector.

FIGURE 1

FLORIDA'S NET MIGRATION OF FIRST-TIME FRESHMEN, BY PUBLIC POSTSECONDARY SECTOR, FALL 1992



Source: *Residency and Migration of First-Time Freshmen, Fall 1992*, Special Tables. National Center for Education Statistics.

FIGURE 2

NET FTIC MIGRATION AS A PERCENTAGE OF FTIC ENROLLMENT IN PUBLIC 2- AND 4-YEAR INSTITUTIONS, FALL 1992

Florida was one of 38 states whose public 2- and 4-year institutions were net importers of first-time freshmen in Fall 1992. This net gain accounted for 5.4% of FTIC enrollment, ranking Florida 24th among the 50 states and the District of Columbia.

Source: *Residency and Migration of First-Time Freshmen, Fall 1992.* Nat'l. Center for Ed. Statistics.

ISSUES, CONCLUSIONS, AND RECOMMENDATIONS

ISSUE: ACCESS FOR QUALIFIED FLORIDIANS

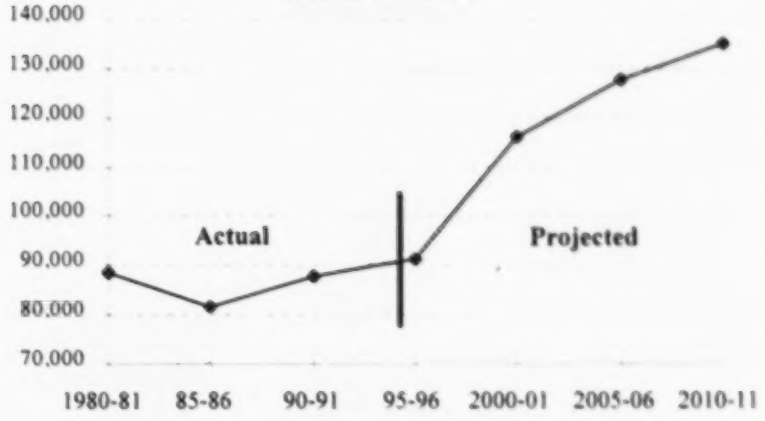
Of primary concern in this area is the extent to which the enrollment of out-of-state students precludes qualified Florida residents from enrolling as FTICs in the state's public institutions. The Commission's 1991 report, ***Student Access to Higher Education***, linked concern over the admission of non-Florida residents to increasing demand for public postsecondary education in the face of declining resources for expansion. The ***1994-95 SREB Fact Book on Higher Education, Florida Highlights*** notes that from 1981-82 to 1991-92, the percentage of the state budget devoted to higher education decreased 2.4 percent while enrollment increased by 43 percent.

Demographic forecasts do show an incoming tidal wave of Florida public high school graduates on the horizon (Figure 3).

The number of Florida public high school graduates is expected to increase by almost 50 percent over the next 15 years.

FIGURE 3

FLORIDA PUBLIC HIGH SCHOOL GRADUATES, 1980-81 TO 2010-11



Source: *Projected Florida High School Graduates*, Florida Department of Education, Office of Strategy Planning, 1994.

BOR admissions data show that to date, however, the wave has not arrived. The SUS accepted 75 percent of all applicants in Fall 1994, and 83 percent of applicants who were Florida residents (Table 1). Currently, the University of Florida and Florida State University are the only two state universities employing admissions standards above BOR minimums. Table 1 also reveals that non-residents are admitted to the SUS at a lesser rate than Florida residents, and their rate of enrollment is far below that of state residents.

Of the 26,040 Fall 1994 unduplicated FTIC applicants to the SUS who were Florida residents, 3.2 percent were "qualified" (i.e., they met minimum high school grade point average and SAT/ACT standards) but were still denied. It is possible that these students could have been denied at one of the more selective state universities, then chose not to apply elsewhere within the SUS.

TABLE 1

COMPARATIVE RATES OF SUS ADMISSION, NON-ADMISSION, AND ENROLLMENT, BY RESIDENCY STATUS, FALL 1994

	Florida Residents	Non-Residents	Combined
Applications	26,040	13,544	39,584
% Admitted	83.2%	60.6%	75.4%
% Not Admitted	16.9%	39.4%	24.6%
% Applicants Who Enrolled	51.3%	17.3%	39.6%
% Admits Who Enrolled	61.7%	28.4%	52.5%
% Admitted, But Did Not Enroll	38.3%	71.6%	47.5%

Source: Board of Regents Admission File, Fall 1994.

Non-residents are admitted to the SUS at a lesser rate than Florida residents, and their rate of enrollment is far below that of state residents.

Of 13,544 non-resident applicants to the SUS that same semester, 11 percent were qualified yet were still denied. It is noteworthy, however, that the average high school grade point average and SAT score of non-residents admitted to and enrolled in the Fall 1994 SUS freshman class are lower than those of Florida residents (Table 2).

TABLE 2

AVERAGE HIGH SCHOOL GPA, SAT SCORES, AND ACT SCORES OF FALL 1994 FTICS, BY RESIDENCY STATUS

	Average HS GPA		Average SAT Score		Average ACT Score	
	FL	Non-FL	FL	Non-FL	FL	Non-FL
Applied	3.25	3.02	1,022	987	22.5	22.5
Admitted	3.40	3.31	1,054	1,046	23.3	23.8
Enrolled	3.38	3.23	1,049	1,038	23.1	23.3
Not Admitted	2.39	2.47	818	880	18.0	19.5

Source: Board of Regents.

Alternative Admission to the State University System

The BOR has established minimum course requirements for admission to the SUS. The system also employs a sliding admission scale for applicants with less than a B (3.0) grade point average in which the high school grade point average corresponds to a minimum SAT or ACT score. The SUS maintains an alternative admissions policy for students who do not meet the above requirements but are deemed to possess "important attributes or special talents." Such students are admitted if "it is determined from appropriate evidence that the student can be expected to do successful academic work as defined by the institution." Twelve percent of all FTICs who enrolled in the SUS in Fall 1993 were alternative admits (Table 3). Just over two percent of all FTICs were non-resident alternative admits, ranging from less than one percent at the University of Florida, Florida State University, and University of North Florida, to over 10 percent at Florida A & M University. Additionally, 17 percent of non-resident FTICs were alternative admits, compared to 11 percent of Florida resident FTICs.

TABLE 3

NON-RESIDENT FTIC ALTERNATIVE ADMITS, STATE UNIVERSITY SYSTEM, FALL 1993

	Total FTIC Enrollment	Alternative Admits Enrolled			Alt Admits as % of FTIC Enrollment	Non-FL Alt Admits as % of FTIC Enrollment	Non-FL as % of FTIC Alt Admits
		Total	FL	Non-FL			
UF	5,129	248	211	37	4.8%	0.7%	14.9%
FSU	3,618	158	125	33	4.4%	0.9%	20.9%
FAMU	1,518	647	484	163	42.6%	10.7%	25.2%
USF	2,047	341	281	60	16.7%	2.9%	17.6%
FAU	814	88	62	26	10.8%	3.2%	29.5%
UWF	461	118	97	21	25.6%	4.6%	17.8%
UCF	2,057	312	267	45	15.2%	2.2%	14.4%
FIU	1,455	124	101	23	8.5%	1.6%	18.5%
UNF	617	71	69	2	11.5%	0.3%	2.8%
SUS	**17,716**	**2,107**	**1,697**	**410**	**11.9%**	**2.3%**	**19.5%**

Source: Board of Regents.

In Fall 1993, non-resident alternative admits ranged from less than 1% to over 10% of FTIC enrollment among state universities.

Conclusion:
It does not appear that non-resident FTICs are taking State University System admission spaces from qualified Florida residents in any great numbers.

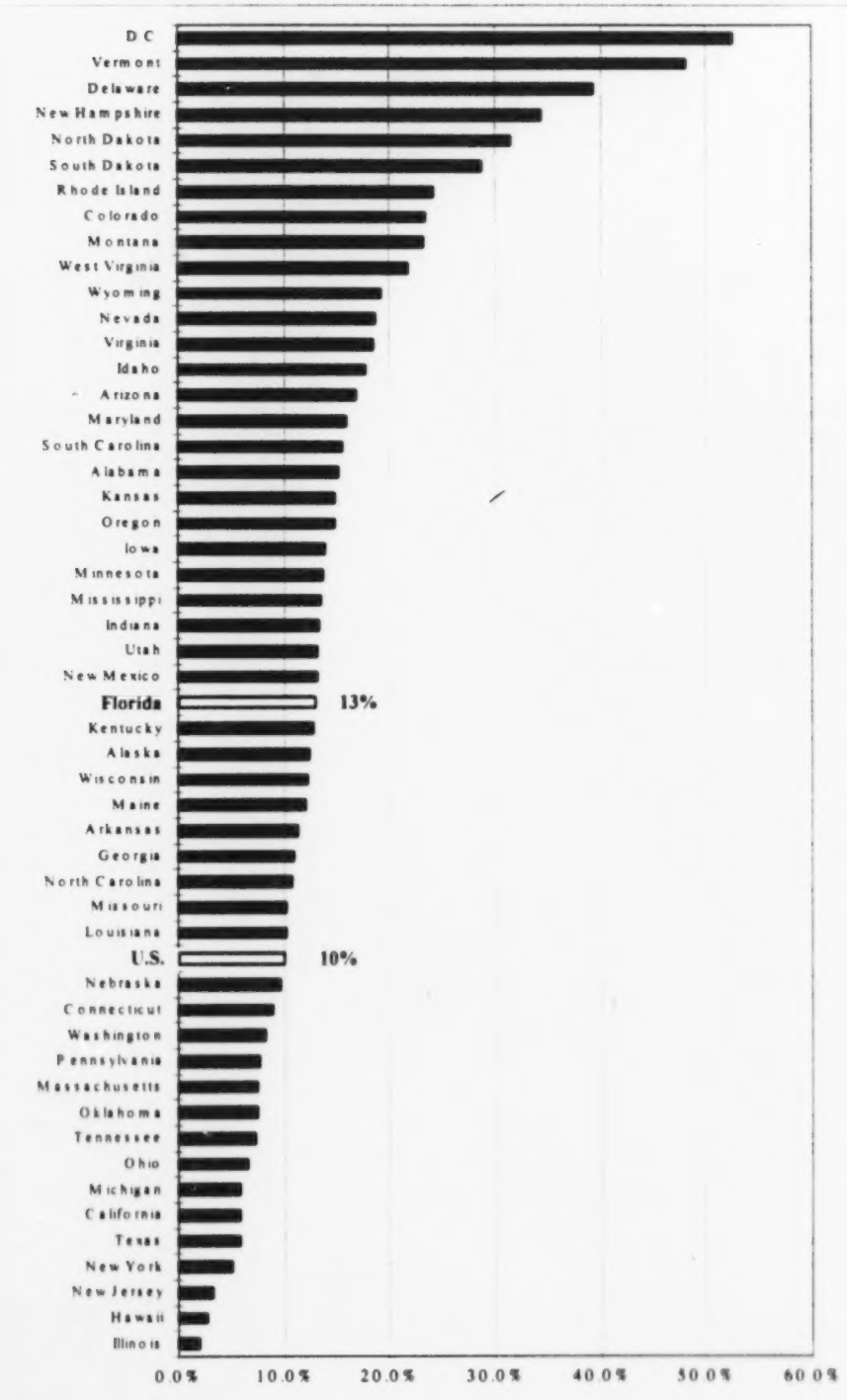
Recommendation 1:
The State University System, however, should demonstrate its commitment to Florida residents by ensuring that, for universities operating above Board of Regents minimum admissions standards, the average high school grade point and standardized test scores of non-residents admitted to the freshman class are at least equal to those of Florida residents in the class.

Recommendation 2:
As long as any academically qualified Florida resident FTICs are unable to find a place in the system, state universities should cease the alternative admission of non-resident FTICs, except in a few cases carefully defined and deemed necessary by the Board of Regents, to allow the system to accommodate students with important attributes or special talents.

A recent NCES report shows that in Fall 1992, non-residents made up 13 percent of FTIC enrollment in Florida's public two- and four-year institutions combined (Figure 4, facing page). More recent data from the sector boards show that in Fall 1994, non-residents comprised about 15 percent of the 15,688 FTICs enrolled in the SUS, down from roughly 18 percent five years prior (Table 4). Non-residents have accounted for as much as 52 percent of Florida A & M University's FTIC enrollment (in Fall 1989), and FAMU still leads the SUS, with 35 percent of its FTIC enrollment coming from non-residents in Fall 1993. The University of North Florida has the smallest proportion of FTIC enrollment by non-residents, at five percent. Non-residents accounted for 5.8 percent of the 82,779 FTICs enrolled in community colleges in 1994-

FIGURE 4

NON-RESIDENTS AS A PERCENTAGE OF FTIC ENROLLMENT IN PUBLIC 2- AND 4-YEAR INSTITUTIONS, FALL 1992



In Fall 1992, non-residents made up 13% of FTIC enrollment in Florida's public 2- and 4-year institutions combined, ranking Florida 27th among the 50 states and D.C.

Source: *Residency and Migration of First-Time Freshmen, Fall 1992.* Nat'l. Center for Ed. Statistics.

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95, ranging from a low of one percent at St. Johns River Community College to a high of 11 percent at Florida Keys Community College.

Non-residents constitute approximately 6% of FTIC headcount enrollment in community colleges and about 15% in the SUS.

TABLE 4

FTIC HEADCOUNT ENROLLMENT BY RESIDENCY CLASSIFICATION FOR TUITION PURPOSES, 1992-93 TO 1994-95

	SUS (Fall Semester)		CCS (Full Academic Year)	
	FTIC Headcount	% Non-Resident	FTIC Headcount	% Non-Resident
1992-93	13,653	15.2%	86,326	5.6%
1993-94	14,672	14.6%	89,836	5.2%
1994-95	15,688	14.9%	82,779	5.8%

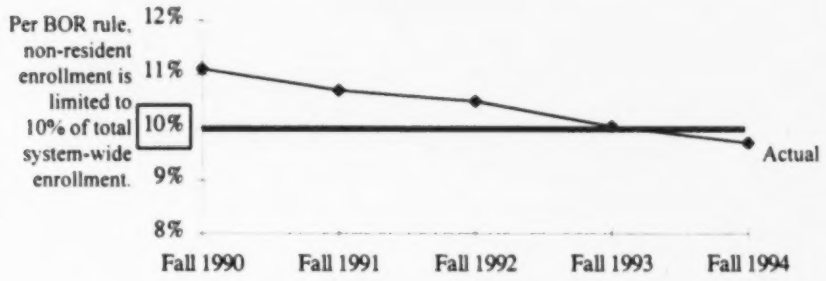
Source: Board of Regents and State Board of Community Colleges.

Public institutions of higher education are a national resource. As such, one of the measures of their perceived excellence is their ability to attract students from outside the state. At the same time, such institutions have a responsibility to serve state residents. They must do so while maintaining the diversity--including geographic diversity--that enhances the educational experience. Florida's SUS attempts to balance these responsibilities by capping the percentage of enrollment that may be represented by non-residents. BOR Rule 6C-7.006 limits non-resident students to ten percent of systemwide total enrollment (Appendix C). The rule, as currently worded, combines graduate and undergraduate enrollment. In its 1989 report, ***Graduate Student Fee Waivers and Stipends***, the Commission recommended that graduate enrollments be excluded from the application of the ten percent rule. Results from the Commission survey of State Higher Education Executive Officers indicate that five of the 14 comparison states cap non-resident enrollment. Florida's cap is the most restrictive in the nation in terms of the percentage limitation placed on non-resident enrollments. However, all the comparison states limiting non-resident enrollment apply those limits to institutional, not systemwide, enrollment.

Even though the BOR rule sets no limit at the institutional level, the SUS as a whole has largely been in compliance with the rule (Figure 5). From Fall 1990 to Fall 1994, non-residents as a percentage of total institutional enrollment ranged from a low of four percent at the University of North Florida in Fall 1993 to a high of 31 percent at Florida A & M University in Fall 1990. It should be noted, however, that this figure had decreased to 23 percent at FAMU by Fall 1994. Systemwide, international students account for roughly one third of the non-resident enrollment.

FIGURE 5

NON-RESIDENT STUDENTS AS A PERCENTAGE OF TOTAL ENROLLMENT, STATE UNIVERSITY SYSTEM, FALL 1990 TO FALL 1994



Source: Board of Regents.

The SUS has largely been in compliance with the BOR rule that limits nonresidents to 10 percent of total systemwide enrollment.

Recommendation 3:
BOR Rule 6C-7.006, which limits non-residents to ten percent of systemwide total enrollment, should be revised to apply to undergraduate enrollment only. Non-resident first-time-in-college enrollments in the State University System should be capped near current levels, at 15 percent.

Additionally, proviso language accompanying the 1995 General Appropriations Act directed the SUS to reduce by ten percent the percentage of out-of-state students admitted as FTICs, setting no limit at the institutional level (Appendix C). The Commission heard testimony that setting a single limit at the institutional level would adversely impact a few universities that have a tradition of serving international and other non-resident students. The Commission also heard testimony from BOR staff and university administrators that lowering the cap on non-resident FTIC enrollment could potentially further restrict access to upper division limited access programs in the SUS, as students gravitate to community colleges to earn the AA degree and take advantage of the Statewide Articulation Agreement (Section 240.115, F.S., Appendix C). SBCC staff countered that increasing the number of non-resident FTICs in the SUS could also inhibit upper division access. The Statewide Articulation Agreement gives community college graduates priority over out-of-state students in admission to the SUS but does not address the issue of admission to limited access programs.

Recommendation 4:
Section 240.115(1)(a), Florida Statutes, should be amended to read "...Community college associate in arts graduates shall receive priority for admission to a state university over out-of-state students. Native university students and community college associate in arts graduates shall receive priority over non-resident students who transfer from an out-of-state institution in admission to upper division limited access programs in the State University System, provided they meet the admissions criteria put in place by the limited access program to which they are applying."

ISSUES: TUITION, FINANCIAL AID, AND REMEDIATION COSTS

Tuition

Florida's tuition policies favor state residents. State residents in the SUS paid among the lowest rates in the nation in 1994-95, and community college resident tuition ranked 34th nationally (Table 6, facing page). Non-resident rates in both sectors were closer to national norms, although non-residents in the SUS still paid 21 percent less than the national average.

Florida law requires that non-resident tuition and fees cover the full cost of undergraduate education (Appendix C). According to the BOR, non-residents in the SUS currently pay more than that—125 percent of full cost. The Commission surveyed State Higher Education Executive Officers on non-resident tuition policies (Appendix B). Some states index non-resident tuition and fees to direct instructional costs and others to full cost. Among the 14 comparison states, 10 charge non-residents 100 percent or more of instructional cost, two states charge non-residents 70-99 percent of instructional cost, and two states set non-resident tuition by other means.

Financial Aid Awards to Non-Resident FTIC Students

Awards to non-resident FTICs accounted for five percent of all financial aid awards in the community colleges in 1994-95, and the percentage is only slightly higher when disaggregated for awards of state financial aid funds (Table 5). The percentages have remained relatively stable over the past three years. No comparable data have been made available by the SUS.

One area of legislative concern is that of FTIC students who are classified as non-residents at admission, obtain reclassification, then receive state financial aid funds. According to the BOR, of the 2,144 non-resident FTICs enrolled in the SUS in Fall 1992, only 178 (8.3 percent) had been reclassified as

TABLE 5

NUMBER OF FINANCIAL AID AWARDS TO FTIC STUDENTS, BY RESIDENCY STATUS, 1994-95

	Community Colleges			State Universities		
	Total	Florida Residents	Non-Residents	Total	Florida Residents	Non-Residents
No. Awards	**46,685**	**44,219**	**2,466**			
Percent	**100%**	**95%**	**5%**			
Federal	25,059	95%	5%	Unavailable		
State	5,920	94%	6%			
Institutional	11,649	94%	6%			
Local/Private	4,057	95%	5%			
Grant, Waiver, or Scholarship	34,252	95%	5%			
Loan	10,603	94%	6%			
Work Study	1,830	94%	6%			

Source: State Board of Community Colleges.

TABLE 6

RESIDENT AND NON-RESIDENT UNDERGRADUATE TUITION AND REQUIRED FEES IN PUBLIC INSTITUTIONS, BY STATE, 1994-95

	Resident		Non-Resident	
	Universities	Community Colleges	Universities	Community Colleges
National Average	**$ 3,032**	**$ 1,314**	**$ 8,464**	**$ 3,694**
Florida Rank	**45th**	**34th**	**32nd**	**22nd**
Alabama	$ 2,260	$ 1,090	$ 5,642	$ 1,907
Alaska	$ 3,100	$ 1,840	$ 6,584	$ 4,940
Arizona	$ 1,894	$ 698	$ 7,500	$ 4,206
Arkansas	$ 1,994	$ 968	$ 5,090	$ 1,696
California	$ 4,347	$ 390	$ 12,046	$ 3,600
Colorado	$ 2,714	$ 1,378	$ 13,278	$ 5,162
Connecticut	$ 4,712	$ 1,520	$ 12,544	$ 4,592
Delaware	$ 4,100	$ 1,266	$ 10,630	$ 3,066
Florida	**$ 1,783**	**$ 1,052**	**$ 6,685**	**$ 3,933**
Georgia	$ 2,352	$ 1,180	$ 6,150	$ 3,242
Hawaii	$ 1,557	$ 500	$ 4,557	$ 2,940
Idaho	$ 1,548	$ 990	$ 5,962	$ 2,730
Illinois	$ 3,703	$ 1,186	$ 8,236	$ 6,219
Indiana	$ 3,114	$ 2,132	$ 9,896	$ 5,202
Iowa	$ 2,455	$ 1,557	$ 8,313	$ 2,672
Kansas	$ 2,038	$ 1,011	$ 7,382	$ 2,394
Kentucky	$ 2,510	$ 960	$ 6,870	$ 2,880
Louisiana	$ 2,645	$ 1,136	$ 5,948	$ 2,696
Maine	$ 3,661	$ 1,740	$ 9,421	$ 3,810
Maryland	$ 3,480	$ 1,841	$ 9,284	$ 4,838
Massachusetts	$ 5,574	$ 2,457	$ 11,920	$ 6,905
Michigan	$ 5,472	$ 1,427	$ 16,470	$ 2,126
Minnesota	$ 3,606	$ 1,834	$ 10,168	$ 3,668
Mississippi	$ 2,546	$ 940	$ 5,006	$ 2,156
Missouri	$ 3,394	$ 1,118	$ 9,441	$ 2,460
Montana	$ 2,251	$ 1,402	$ 6,311	$ 3,765
Nebraska	$ 2,415	$ 1,070	$ 5,955	$ 1,432
Nevada	$ 1,740	$ 915	$ 6,490	$ 3,915
New Hampshire	$ 4,559		$ 12,879	
New Jersey	$ 4,591	$ 1,791	$ 8,502	$ 4,858
New Mexico	$ 1,884	$ 626	$ 7,114	$ 1,570
New York	$ 3,144	$ 2,103	$ 7,044	$ 4,073
North Carolina	$ 1,524	$ 557	$ 9,050	$ 4,515
North Dakota	$ 2,428	$ 1,738	$ 5,952	$ 4,330
Ohio	$ 3,087	$ 1,833	$ 9,315	$ 4,382
Oklahoma	$ 2,279	$ 1,086	$ 5,745	$ 2,782
Oregon	$ 3,258	$ 1,334	$ 10,770	$ 4,287
Pennsylvania	$ 5,036	$ 1,685	$ 10,724	$ 5,240
Rhode Island	$ 4,242	$ 1,686	$ 11,568	$ 4,646
South Carolina	$ 3,196	$ 1,113	$ 8,074	$ 2,197
South Dakota	$ 2,492		$ 4,786	
Tennessee	$ 2,016	$ 992	$ 5,950	$ 3,778
Texas	$ 1,710	$ 898	$ 6,000	$ 1,612
Utah	$ 2,381	$ 1,305	$ 7,284	$ 4,486
Vermont	$ 6,652	$ 2,286	$ 15,958	$ 4,398
Virginia	$ 4,480	$ 1,359	$ 13,052	$ 4,470
Washington	$ 2,907	$ 1,296	$ 8,199	$ 5,094
West Virginia	$ 2,128	$ 1,194	$ 6,370	$ 3,434
Wisconsin	$ 2,735	$ 1,716	$ 9,094	$ 5,699
Wyoming	$ 1,908	$ 886	$ 5,988	$ 2,286

Tuition for Florida residents is relatively low at the state's community colleges, and SUS resident rates are among the lowest in the country. Non-resident tuition in both sectors is close to national norms.

Source: *1994-95 Tuition and Fee Rates: A National Comparison.* Washington State Higher Education Coordinating Board, 1995.

Florida residents by Spring 1994. Of the 178 students who changed their classification to Florida resident, only 17 (less than one percent of the original cohort) were receiving financial aid supported by state funds. It should be noted, however, that the above BOR analysis tracked students who had changed residency status within only one and a half years of initial classification as non-residents.

Conclusion:
From available data, the awarding of state-funded financial aid to students who entered the State University System as non-residents and were subsequently reclassified as residents does not seem to be a major concern. For a more complete analysis of this issue, however, tracking would be required over a longer period of time and of the actual dollar amounts awarded.

Remediation of Non-Resident Students

According to the BOR, roughly six percent of all non-resident FTICs in the SUS scored below placement test cut-offs and required remediation in 1993-94. According to Section 239.301, Florida Statutes, Florida A & M is the only university in the SUS eligible to provide remedial instruction. Students at other state universities may take required remedial courses at the local community college.

The remediation of students from out of state is a necessary by-product of the community colleges' "open door" admissions policies. In the community colleges in 1993-94, 17 percent of all non-resident FTICs enrolled in college preparatory reading and writing, 27 percent in college preparatory math. The percentage of Florida resident community college FTICs enrolled in college preparatory work was similar to that of non-residents in reading and writing, but significantly higher in mathematics--37 percent. The percentage of community college preparatory course FTIC enrollments accounted for by non-residents mirrors that of overall FTIC enrollment--about six percent (Table 7). These percentages have remained relatively stable the past three years.

TABLE 7

UNDUPLICATED FTIC STUDENT ENROLLMENT IN COLLEGE PREPARATORY COURSES, BY RESIDENCY STATUS, 1994-95

	Community Colleges			State Universities		
	Total Enrolled	Florida Residents	Non-Residents	Total Enrolled	Florida Residents	Non-Residents
Reading	14,311	94%	6%			
Writing	17,326	95%	5%	Unavailable		
Math	29,903	94%	6%			

Source: State Board of Community Colleges.

In 1993-94, the most recent year for which data were available, FAMU provided 27 FTE of remedial instruction at a cost of $246,000 ($9,111 per FTE, or $228 per credit hour). Undergraduate non-residents at FAMU paid $225 per credit hour in tuition and required fees that year. The State Board of Community Colleges has calculated the State's academic cost in 1995-96 for college preparatory courses at $2,152 per FTE, or $72 per credit hour. In 1995-96, community college non-resident students pay an average of $115 per credit hour in tuition and required fees.

Recommendation 5:
The Board of Regents and the Division of Community Colleges should demonstrate annually that non-residents taking developmental courses are paying at least the full cost of remedial instruction.

ISSUE: IMPLEMENTATION OF RESIDENCY CLASSIFICATION POLICY

The Commission's ***Master Plan Update*** (1988) recommended that the residency requirement for student financial aid eligibility (Section 240.404, Florida Statutes) be consistent with the definition of residency for tuition purposes (Section 240.1201, Florida Statutes). Both statutes now require students to maintain a bona fide domicile in the state for purposes other than education for at least 12 months immediately prior to qualification (Appendix C). According to Section 240.1201, Florida Statutes, certain groups of students are exempt from the 12 month physical presence qualifying period and are granted resident status immediately, such as active duty members of the armed forces stationed in Florida or full-time instructional and administrative personnel. These exemptions also apply to spouses and dependent children. Four-fifths of the respondents from comparison states in the Commission's survey of State Higher Education Executive Officers indicated a similar policy on the qualifying period, and nearly three-fifths waive the time period requirement for certain student groups, granting them immediate resident status (Appendix B).

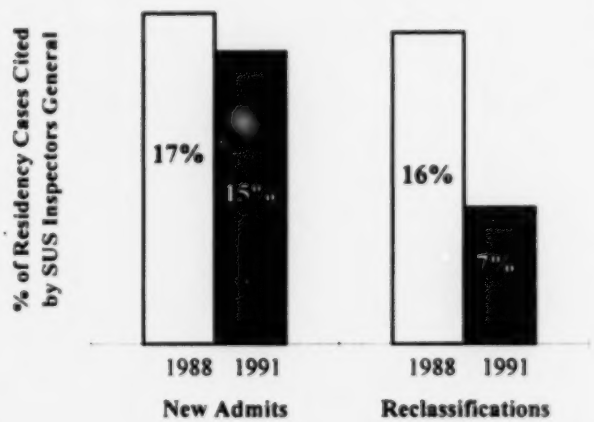
Adopted in 1992, State Board of Education Rule 6A-10.044 states that the BOR and the SBCC are to maintain consistent policies and practices for the classification of students as residents for tuition purposes. In addition, once a student has been classified as a Florida resident for tuition purposes by a public Florida community college or university, that resident status is to be accepted by other public postsecondary institutions to which the student may later seek admission or transfer. Subsequent to the promulgation of the "reciprocity rule," a residency committee, operating under the auspices of the Articulation Coordinating Committee and consisting of BOR and SBCC personnel and institutional representatives, authored a residency manual to be used as a reference source by registrars statewide. The manual sets out the basic requirements of Florida's residency law and enumerates the kinds of evidence that may be used to make residency determinations for regular admissions and reclassifications.

Anecdotal evidence suggests that prior to the formulation of the reciprocity rule in 1992, state residency classification policy was interpreted and implemented unevenly. This was noted in the 1986 Commission study ***Residency and Academic Program Contracts***, for which all state university registrars and eight community college registrars were interviewed. Those interview data are buttressed by SUS Inspectors General audit reports showing that in 1988, 17 percent of the residency classification decisions were challenged with regard to new admits, as were 15 percent of the reclassifications (Figure 5). The chart does show, however, that SUS auditors challenged fewer decisions in 1991 than in 1988. The problem was even greater in the community colleges. Whereas the BOR had a rule to implement F.S. 240.1201, the 28 community college registrars were interpreting the statute individually. The Commission interviewed 12 community college registrars in conjunction with this study, the majority of whom agreed that the reciprocity rule has had the desired standardizing effect on the documentation required for residency classification and reclassification decisions.

FIGURE 5

SUS RESIDENCY CASES CITED BY INSPECTORS GENERAL AS MISCLASSIFIED OR CLASSIFIED WITH INSUFFICIENT DOCUMENTATION, 1988 AND 1991

Between 1988 and 1991, the number of residency classification decisions cited by Inspectors General in the SUS decreased appreciably.



Note: Based on random sample drawn from Spring Semester 1988 and 1991 Student Data Course File.
Source: BOR Inspector General's Office.

Since the promulgation of the reciprocity rule in 1992, the SUS Inspectors General have not conducted an audit of residency classification process as part of the BOR Systemwide Audit Plan. There is no analogous process in place for the community colleges. The Auditor General's Operational Compliance Audit is insufficient for this purpose since it checks only to see that proper documentation is on file and that non-resident tuition was collected for students who were classified as non-residents for tuition purposes.

Recommendation 6:
The Board of Regents and the Division of Community Colleges should each conduct one post-reciprocity rule audit of a random sample of student records to verify the rule's standardizing effect on residency classification and reclassification decisions.

SBE Rule 6A-10.044 requires that a residency classification decision made by a public Florida community college or university be recognized by other public postsecondary institutions to which the student may later seek admission, unless the classification was erroneous (Appendix C). Institutions to which the student may transfer are not required to reevaluate the classification unless inconsistent information suggests that an erroneous classification was made. It is conceivable that an erroneous classification could be propagated by other institutions honoring the reciprocity agreement. Additionally, registrars report that scenarios arise periodically that were not anticipated by the rule.

Recommendation 7:
Community college and state university registrars should meet on a biennial basis to discuss continuing residency classification problems and new scenarios not covered by State Board of Education Rule 6A-10.044, with consensus from those discussions being incorporated into the Residency Manual.

Residency for tuition purposes is a data element in the Florida Automated System for Transferring Educational Records (FASTER). Certain community colleges, however, have not yet implemented FASTER. When a student transfers to one of these colleges, the institution relies on the residency designation on the hard copy of the academic transcript as evidence that the student was classified as a resident for tuition purposes by another institution. The community college registrars interviewed indicated that not all institutions indicate students' residency on the hard copy of the transcript.

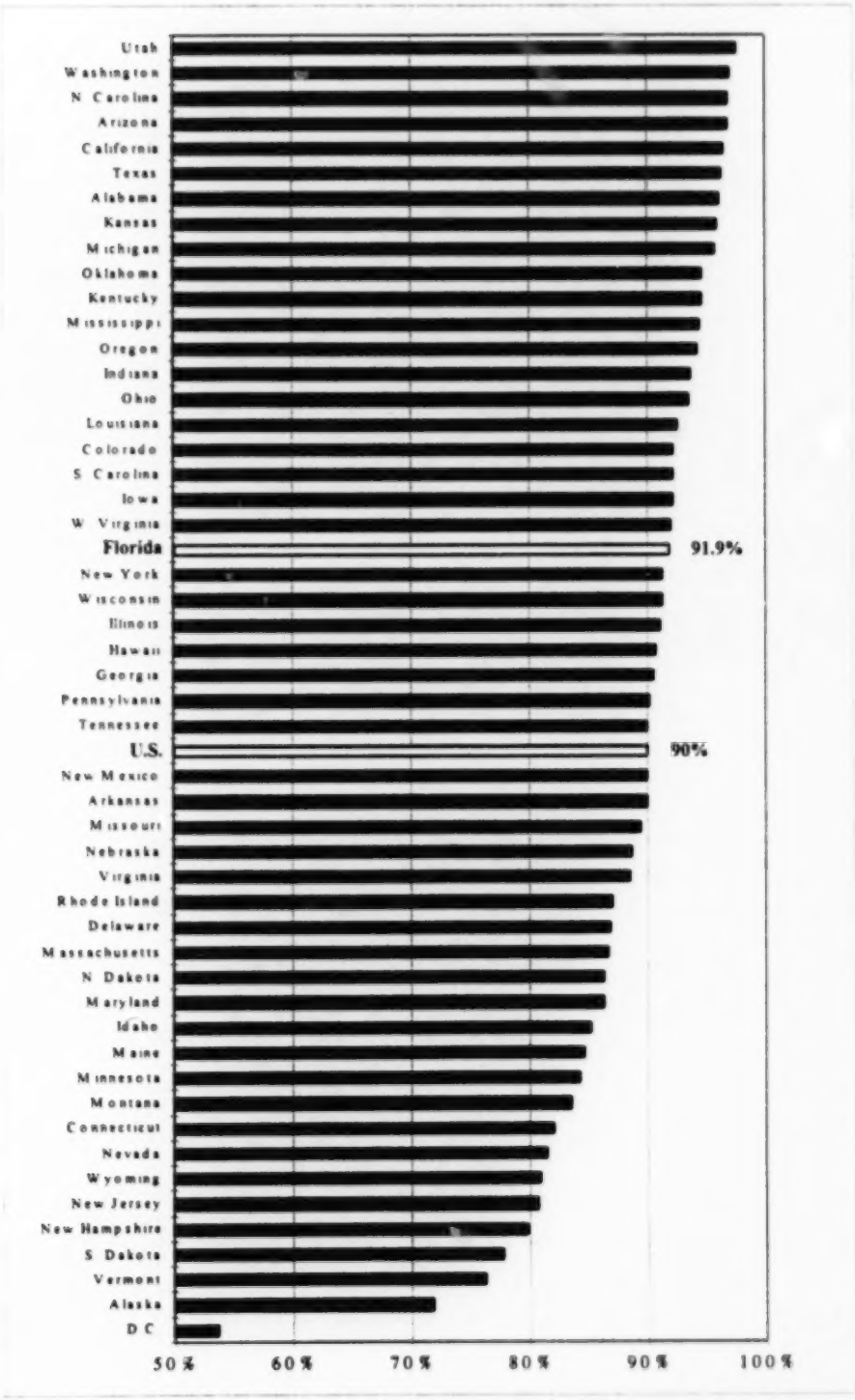
Recommendation 8:
Until FASTER is fully implemented statewide, all public postsecondary institutions should indicate whether the student has been classified as a resident for tuition purposes on the hard copy of the academic transcript.

The forecast of rapid enrollment growth coupled with static funding for public postsecondary education in Florida virtually assures that the issues examined in this report will remain of interest to policymakers in the future. Nonresident students do consume state postsecondary education resources, yet they bring an important element of diversity, and often unique talents, to the state's postsecondary systems. As the postsecondary landscape changes in the years ahead, issues of access, funding, tuition, and the provision of financial aid for non-residents will likely require further monitoring.

PERCENTAGE OF FTICS IN PUBLIC 2- AND 4-YEAR INSTITUTIONS ENROLLING IN THEIR HOME STATE, FALL 1992

APPENDIX A

FIGURE A-1



Of the 53,278 Florida residents who enrolled in public higher education as first-time freshmen in Fall 1992, 92% remained in Florida. This ranks Florida 21st and places the state 2 percentage points above the national average.

Source: *Residency and Migration of First-Time Freshmen, Fall 1992.* Nat'l. Center for Ed. Statistics.

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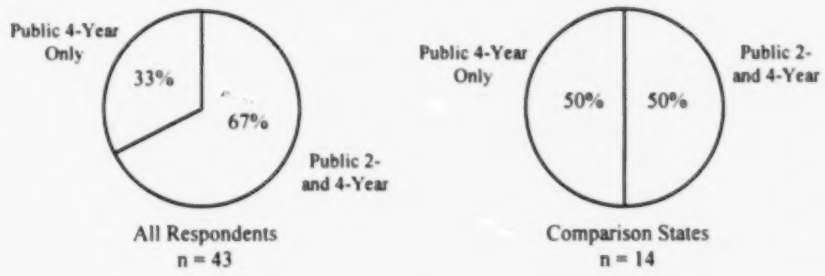
APPENDIX B

COMMISSION SURVEY OF STATE HIGHER EDUCATION EXECUTIVE OFFICERS ON POLICIES AFFECTING NON-RESIDENT STUDENTS

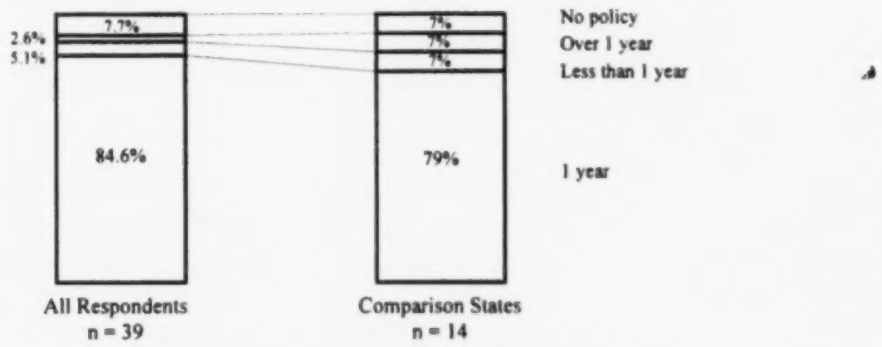
Proviso language authorizing this study called for the Commission's analysis to include a survey of non-resident student policies in other states. In June of 1995, a survey was mailed electronically to the chief academic and financial officers in each State Higher Education Executive Office (SHEEO). The 35 responses returned were supplemented with data from recent surveys by the Western Insterstate Commission on Higher Education, the Southern Regional Education Board, and the Florida Board of Regents, resulting in partial or complete responses from 43 states.

Responses to each question are reported for all states with available data and for 14 "comparison states." The comparison states enroll at least half as many first-time-in-college (FTIC) students in their public two- and four-year institutions as Florida, and they are net importers of FTIC students. In alphabetical order, these states are Alabama, Arizona, California, Colorado, Georgia, Indiana, Maryland, Michigan, North Carolina, Ohio, Texas, Virginia, Washington, and Wisconsin.

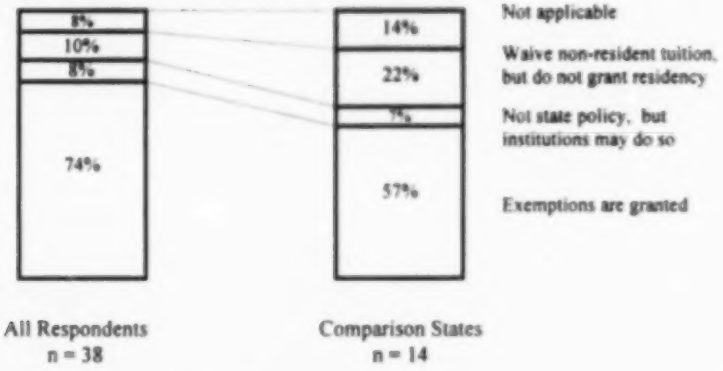
Institutions to which survey responses apply:



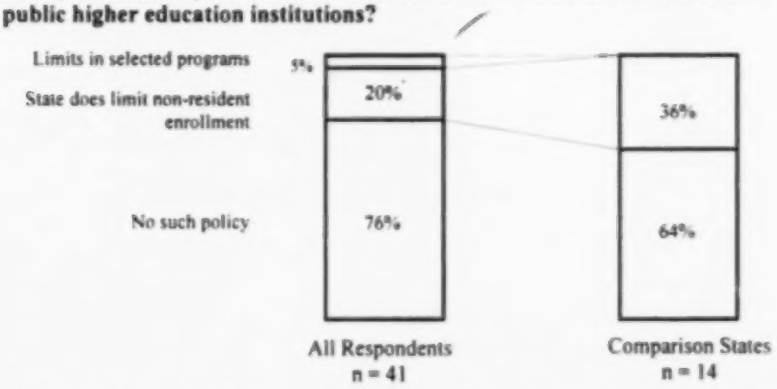
Length of time an individual must reside in the state before establishing residency for tuition purposes:



States that exempt special classes of students from the waiting period, granting them immediate resident status (for tuition purposes):

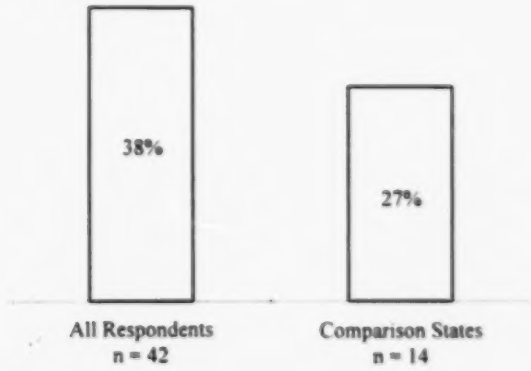


Does your state impose limits on the enrollment of non-resident students in public higher education institutions?



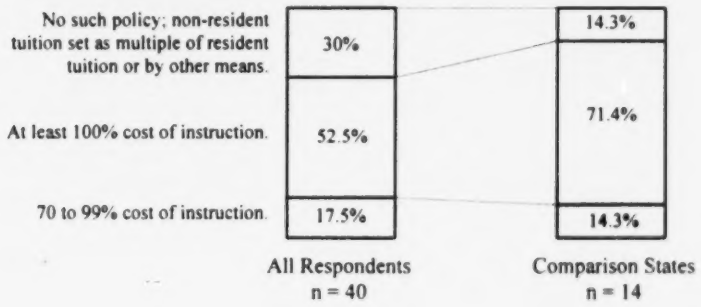
Two of the five comparison states limiting non-resident enrollment indicated that this was not an official state policy. Of the five comparison states limiting non-resident enrollment, all apply those limits to institutional (not systemwide enrollment) and all were less restrictive than Florida's ten percent cap.

Active state monitoring* of non-resident enrollment levels or of the implementation of residency classification policy:

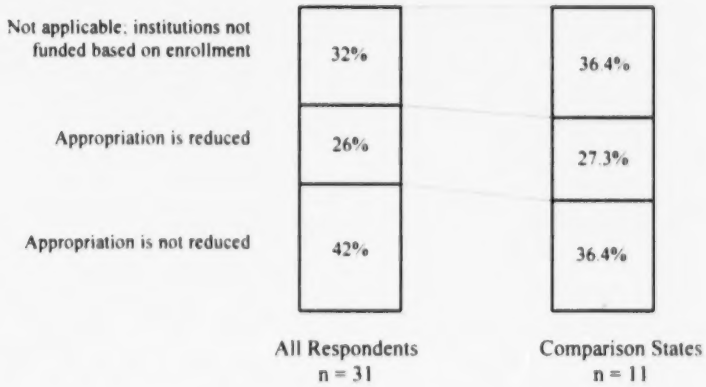


* *Beyond standard Auditor General audits.*

Percentage of undergraduate costs paid by nonresident students through tuition and matriculation fees:



Reduction of state appropriation by the amount of revenue generated by non-resident student tuition and fees:



APPENDIX C

RELEVANT STATUTES, RULES, AND PROVISO

- **Section 240.1201, Florida Statutes.** Determination of resident status for tuition purposes.

- **Sections 240.209 (SUS), and 240.35 (CCS), Florida Statutes.** The sum of non-resident student matriculation and tuition fees must cover the full cost of the undergraduate education program.

- **Section 240.404, Florida Statutes.** General requirements for student eligibility for state financial aid. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes.

- **Section 240.115, Florida Statutes.** Articulation agreement; acceleration mechanisms. Community college AA graduates shall receive priority for admission to a state university over out-of-state students.

- **State Board of Education Rule 6A-10.044.** Determination of resident status for tuition purposes. Requires community colleges and state universities to be consistent in classification policies.

- **Board of Regents Rule 6C-7.006.** Limits non-resident students to ten percent of State University System total enrollment.

- **Proviso accompanying Specific Appropriation 199, 1995 General Appropriations Act.** Instructs the State University System to reduce the number of out-of-state students enrolled in the system by ten percent in 1995-96.

240.1201 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition fees in public community colleges and universities.

(1) As defined under this section:

(a) The term "dependent child" means any person, whether or not living with his parent, who is eligible to be claimed by his parent as a dependent under the federal income tax code.

(b) The term "institution of higher education" means any of the constituent institutions under the jurisdiction of the State University System or the State Community College System.

(c) A "legal resident" or "resident" is a person who has maintained his residence in this state for the preceding year, has purchased a home which is occupied by him as his residence, or has established a domicile in this state pursuant to s. 222.17.

(d) The term "parent" means the natural or adoptive parent or legal guardian of a dependent child.

(e) A "resident for tuition purposes" is a person who qualifies as provided in subsection (2) for the in-state tuition rate; a "nonresident for tuition purposes" is a person who does not qualify for the in-state tuition rate.

(2)(a) To qualify as a resident for tuition purposes:

1. A person or, if that person is a dependent child, his parent or parents must have established legal residence in this state and must have maintained legal residence in this state for at least 12 months immediately prior to his qualification.

2. Every applicant for admission to an institution of higher education shall be required to make a statement as to his length of residence in the state and, further, shall establish that his presence or, if he is a dependent child, the presence of his parent or parents in the state currently is, and during the requisite 12-month qualifying period was, for the purpose of maintaining a bona fide domicile, rather than for the purpose of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.

(b) However, with respect to a dependent child living with an adult relative other than the child's parent, such child may qualify as a resident for tuition purposes if the adult relative is a legal resident who has maintained legal residence in this state for at least 12 months immediately prior to the child's qualification, provided the child has resided continuously with such relative for the 5 years immediately prior to the child's qualification, during which time the adult relative has exercised day-to-day care, supervision, and control of the child.

(c) The legal residence of a dependent child whose parents are divorced, separated, or otherwise living apart will be deemed to be this state if either parent is a legal resident of this state, regardless of which parent is entitled to claim, and does in fact claim, the minor as a dependent pursuant to federal individual income tax provisions.

(3) An individual shall not be classified as a resident for tuition purposes and, thus, shall not be eligible to receive the in-state tuition rate until he has provided such evidence related to legal residence and its duration as may be required by officials of the institution of higher education from which he seeks the in-state tuition rate.

(4) With respect to a dependent child, the legal residence of such individual's parent or parents is prima facie evidence of the individual's legal residence, which evidence may be reinforced or rebutted, relative to the age and general circumstances of the individual, by the other evidence of legal residence required of or presented by the individual. However, the legal residence of an individual whose parent or parents are domiciled outside this state is not prima facie evidence of the individual's legal residence if that individual has lived in this state for 5 consecutive years prior to enrolling or reregistering at the institution of higher education at which resident status for tuition purposes is sought.

(5) In making a domiciliary determination related to the classification of a person as a resident or nonresident for tuition purposes, the domicile of a married person, irrespective of sex, shall be determined, as in the case of an unmarried person, by reference to all relevant evidence of domiciliary intent. For the purposes of this section:

(a) A person shall not be precluded from establishing or maintaining legal residence in this state and subsequently qualifying or continuing to qualify as a resident for tuition purposes solely by reason of marriage to a person domiciled outside this state, even when that person's spouse continues to be domiciled outside of this state, provided such person maintains his legal residence in this state.

(b) A person shall not be deemed to have established or maintained a legal residence in this state and subsequently to have qualified or continued to qualify as a resident for tuition purposes solely by reason of marriage to a person domiciled in this state.

(c) In determining the domicile of a married person, irrespective of sex, the fact of the marriage and the place of domicile of such person's spouse shall be deemed relevant evidence to be considered in ascertaining domiciliary intent.

(6) Any nonresident person, irrespective of sex, who marries a legal resident of this state or marries a person who later becomes a legal resident may, upon becoming a legal resident of this state, accede to the benefit of the spouse's immediately precedent duration as a legal resident for purposes of satisfying the 12-month durational requirement of this section.

(7) A person shall not lose his resident status for tuition purposes solely by reason of serving, or, if such person is a dependent child, by reason of his parent's or parents' serving, in the Armed Forces outside this state.

(8) A person who has been properly classified as a resident for tuition purposes but who, while enrolled in an institution of higher education in this state, loses his resident tuition status because he or, if he is a dependent child, his parent or parents establish domicile or legal residence elsewhere shall continue to enjoy the in-state tuition rate for a statutory grace period, which period shall be measured from the date on which the circumstances arose that culminated in the loss of resident tuition status and shall continue for 12 months. However, if the 12-month grace period ends during a semester or academic term for which such former resident is enrolled, such grace period shall be extended to the end of that semester or academic term.

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(9) Any person who ceases to be enrolled at or who graduates from an institution of higher education while classified as a resident for tuition purposes and who subsequently abandons his domicile in this state shall be permitted to reenroll at an institution of higher education in this state as a resident for tuition purposes without the necessity of meeting the 12-month durational requirement of this section if that person has reestablished his domicile in this state within 12 months of such abandonment and continuously maintains the reestablished domicile during the period of enrollment. The benefit of this subsection shall not be accorded more than once to any one person.

(10) The following persons shall be classified as residents for tuition purposes:

(a) Active duty members of the armed services of the United States stationed in this state, their spouses, and dependent children.

(b) United States citizens living on the Isthmus of Panama, who have completed 12 consecutive months of college work at the Florida State University Panama Canal Branch, and their spouses and dependent children.

(c) Full-time instructional and administrative personnel employed by state public schools, community colleges, and institutions of higher education, as defined in s. 228.041, and their spouses and dependent children.

(d) Students from Latin America and the Caribbean who receive scholarships from the federal or state government. Any student classified pursuant to this paragraph shall attend, on a full-time basis, a Florida institution of higher education.

(e) Southern Regional Education Board's Academic Common Market graduate students attending Florida's state universities.

(f) Full-time employees of state agencies or political subdivisions of the state when the student fees are paid by the state agency or political subdivision for the purpose of job-related law enforcement or corrections training.

(g) McKnight Doctoral Fellows and Finalists who are United States citizens.

(h) United States citizens living outside the United States who are teaching at a Department of Defense Dependent School or in an American International School and who enroll in a Board of Regents-approved graduate level education program which leads to a Florida teaching certificate.

History.—s. 20, ch. 83-325; s. 82, ch. 84-338; s. 12, ch. 86-196; s. 5, ch. 86-139; s. 1, ch. 89-367; s. 4, ch. 89-381; s. 21, ch. 92-321; s. 1, ch. 93-242.

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240.209 Board of Regents; powers and duties.—

(1) The Board of Regents is primarily responsible for adopting systemwide rules and policies; planning for the future needs of the State University System; planning the programmatic, financial, and physical development of the system; reviewing and evaluating the instructional, research, and service programs at the universities; coordinating program development among the universities; and monitoring the fiscal performance of the universities.

(2) The Board of Regents shall appoint a Chancellor to serve at its pleasure who shall perform such duties as are assigned to him by the board. The board shall fix the compensation and other conditions of employment for the Chancellor. The board shall also provide for the compensation and other conditions of employment for employees necessary to assist the board and the Chancellor in the performance of their duties. The Chancellor shall be the chief administrative officer of the board and shall be responsible for appointing all employees of the board who shall serve under his direction and control. The Chancellor shall be a person qualified by training and experience to understand the problems and needs of the state in the field of postsecondary education. Search committee activities for the selection of the Chancellor up to the point of transmitting a list of nominees to the Board of Regents shall be confidential and exempt from the provisions of ss. 119.07(1) and 286.011. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(3) The board shall:

(a) Develop a plan for the future expansion of the State University System and recommend the establishment of new universities consistent with the criteria adopted by the State Board of Education pursuant to s. 229.053. The plan must include a procedure for the periodic assessment of the need for a new state university and specific standards for the minimum acreage, building space, staffing, and programmatic mix of state universities.

(b) Appoint or remove the president of each university in accordance with procedures and rules adopted by the Board of Regents. The board may appoint a search committee to assist in evaluating presidential candidates. Each appointment of a university president shall be conducted in accordance with the provisions of ss. 119.07 and 286.011. The board shall determine the compensation and other conditions of employment for each president. The board shall not provide a tenured faculty appointment to any president who is removed through termination by the board or resignation tendered at the request of the board.

(c) Approve new degree programs for all state universities. In so doing, the board shall be mindful of the differentiated missions of the several universities. New colleges, schools, or functional equivalents of any program leading to a degree which is offered as a credential for a specific license granted under the Florida Statutes or the State Constitution shall not be established without the specific approval of the Legislature.

(d) Prepare the legislative budget requests, including fixed capital outlay requests, in accordance with chapter 216 and s. 235.41. The board shall provide to the individual universities fiscal policy guidelines, formats, and instructions for the development of individual university budget requests.

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214(2) and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of 50 percent of funds from the student financial aid fee shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his eligibility assessed on the same criteria that was used at the time of his original award.

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240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college-credit instruction.

(1) The State Board of Community Colleges shall establish the matriculation and tuition fees for credit instruction that may be counted toward an associate or higher degree. This instruction includes advanced programs, professional programs, and postsecondary vocational programs.

(2)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, is exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of the college-level communication and computation skills testing program. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees.

(b) Any student qualifying for a fee exemption under this subsection shall receive such an exemption for not more than 2 consecutive years or 4 semesters, unless the student is participating in college-preparatory instruction or requires additional time to complete the college-level communication and computation skills testing program. Such a student is eligible to receive a fee exemption for a maximum of 3 consecutive years or 6 semesters.

(c) As a condition for continued fee exemption, a student shall earn a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.

(3) Students enrolled in dual enrollment and early admission programs pursuant to s. 240.116 and students enrolled in employment and training programs pursuant to s. 409.029 are exempt from the payment of registration, matriculation, and laboratory fees; however, such students may not be included within calculations of fee-waived enrollments. Students enrolled in programs pursuant to s. 409.029 shall be granted a fee exemption only if they have applied for student financial aid including Job Training Partnership Act or Family Support Act funds and did not receive financial assistance. Colleges shall assist these students in applying for financial aid, and these students shall not be denied participation in programs during the application process for financial aid. These students shall not be required to obtain loans as a part of their financial aid package. Fee-exempt instruction provided pursuant to this subsection shall generate an additional one-fourth full-time equivalent enrollment.

(4)(a) Fees shall be waived for certain members of the active Florida National Guard pursuant to the provisions of s. 250.10(6).

(b) Community colleges may waive fees for any fee-nonexempt student. A student whose fees are waived in excess of the amount authorized annually in the General Appropriations Act may not be included in calculations of full-time equivalent enrollments for state funding purposes. Any community college that waives fees and requests state funding for a student in violation of the provisions of this subsection shall be penalized at a rate equal to two times the value of the full-time equivalent student enrollment reported served. Such penalty shall be charged against the following year's allocation from the Community College Program Fund.

(5) Subject to review and final approval by the State Board of Education, the State Board of Community Colleges shall adopt by December 31 of each year a resident fee schedule for the following fall for advanced and professional, postsecondary vocational, and college-preparatory programs which produces revenues in the amount of 25 percent of the full prior year's cost of these programs. However, the board may not adopt an annual fee increase in any program for resident students which exceeds 10 percent. Beginning with fiscal year 1992-1993 and, in the absence of a provision to the contrary in an appropriations act, the fee schedule shall take effect and the colleges shall expend the funds on instruction. If the Legislature provides for an alternative fee calculation in an appropriations act, the board shall establish a fee schedule that produces the fee revenue established in the appropriations act based on the assigned enrollment.

(6) Each community college board of trustees shall establish matriculation and tuition fees, which may vary no more than 10 percent from the fee schedule adopted by the State Board of Community Colleges.

(7) The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of each program. Beginning with fiscal year 1992-1993, the annual fee increases for nonresident students established by the board, in the absence of legislative action to the contrary in an appropriations act, may not exceed 25 percent.

(8) The State Board of Community Colleges shall adopt a rule specifying the definitions and procedures to be used in the calculation of the percentage of cost paid by students. The rule must provide for the calculation of the full cost of educational programs based on the allocation of all funds provided through the general current fund to programs of instruction, and other activities as provided in the annual expenditure analysis. The rule shall be developed in consultation with the Legislature.

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240.404 General requirements for student eligibility for state financial aid.—

(1)(a) The general requirements for eligibility of students for state financial aid awards consist of the following.

1. Acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by a member of the Commission on Recognition of Postsecondary Accreditation; any Florida institution the credits of which are acceptable for transfer to state universities; any [1]area technical center; or any private vocational-technical institution accredited by a member of the Commission on Recognition of Postsecondary Accreditation.

2. Participation in the college-level communication and computation skills testing program. This requirement is limited to students seeking associate's or bachelor's degrees.

3. Residency in this state for no less than 1 year preceding the award of aid for a program established pursuant to s. 240.402, s. 240.4021, [2]s. 240.4022, s. 240.4085, s. 240.409, s. 240.4093, s. 240.4095, s. 240.4097, s. 240.412, s. 240.4125, s. 240.413, s. 240.4987, s. 240.605, or s. 240.606. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 240.1201 and rules of the State Board of Education.

4. Compliance with Selective Service System registration requirements pursuant to s. 240.4045.

5. Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards. Falsification of such information shall result in the denial of any pending application and revocation of any award currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards shall be guilty of a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards wrongfully obtained.

(b)1. Eligibility for the renewal of undergraduate financial aid awards shall be evaluated at the end of the second semester or third quarter of each academic year. As a condition for renewal, a student shall:

a. Have earned a minimum cumulative grade point average of 2.0 on a 4.0 scale; and

b. Have earned, for full-time study, 12 credits per term or the equivalent for the number of terms for which aid was received.

2. A student who earns the minimum number of credits required for renewal, but who fails to meet the minimum 2.0 cumulative grade point average, may be granted a probationary award for up to the equivalent of 1 academic year and shall be required to earn a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period to be eligible for subsequent renewal. A student who receives a probationary award and who fails to meet the conditions for renewal by the end of his probationary period shall be ineligible to receive additional awards for the equivalent of 1 academic year following his probationary period. Each such student may, however, reapply for assistance during a subsequent application period and may be eligible for an award if he has earned a cumulative grade point average of 2.0 on a 4.0 scale.

3. A student who fails to earn the minimum number of credits required for renewal shall lose his eligibility for renewal for a period equivalent to 1 academic year. However, he may reapply during a subsequent application period and may be eligible for an award if he has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale.

4. Students who receive state student aid and subsequently fail to meet state academic progress requirements due to verifiable illness or other emergencies may be granted an exception from the academic requirements. Such students shall make a written appeal to the institution. The appeal shall include a description and verification of the circumstances. Verification of illness or other emergencies may include but not be limited to a physician's statement or written statement of a parent or college official. The institution shall recommend exceptions with necessary documentation to the department. The department may accept or deny such recommendations for exception from the institution.

(2) These requirements do not preclude higher standards specified in other sections of this part, in rules of the state board, or in rules of a participating institution.

(3) Undergraduate students shall be eligible to receive financial aid for a maximum of 8 semesters or 12 quarters. However, undergraduate students participating in college-preparatory instruction, students requiring additional time to complete the college-level communication and computation skills testing programs, or students enrolled in a 5-year undergraduate degree program shall be eligible to receive financial aid for a maximum of 10 semesters or 15 quarters.

(4) No student shall be eligible to receive more than one state scholarship that is based on academic merit. Students who qualify for more than one such scholarship shall be notified of all awards for which they qualify and shall be provided the opportunity to accept one of their choosing.

History.—s. 4, ch. 83-291; s. 42, ch. 84-336; s. 4, ch. 86-186; s. 28, ch. 86-225; s. 9, ch. 86-307; s. 8, ch. 89-387; s. 2, ch. 90-236; s. 18, ch. 90-302; s. 4, ch. 92-144; s. 9, ch. 94-310.

[1]Note.—The term "area technical center" was substituted for the term "area vocational-technical center" by the editors pursuant to the directive of the Legislature in s. 18, ch. 94-232.

[2]Note.—Repealed by s. 88, ch. 92-136.

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240.115 Articulation agreement; acceleration mechanisms.—

(1)(a) Articulation between secondary and postsecondary education; admission of associate in arts degree graduates from Florida community colleges and state universities; the use of acceleration mechanisms, including nationally standardized examinations through which students may earn credit; and articulation among programs in nursing shall be governed by the articulation agreement, as established by the Department of Education. The articulation agreement must specifically provide that every associate in arts graduate of a Florida community college must be granted admission to the upper division of a state university except to a limited access or teacher certification program or a major program requiring an audition. After admission has been granted to students under provisions of this section and to university students who have successfully completed 60 credit hours of coursework and met the requirements of s. 240.107, admission shall be granted to State University System and Florida community college students who have successfully completed 60 credit hours of work. Community college associate in arts graduates shall receive priority for admission to a state university over out-of-state students. Orientation programs and student handbooks provided to freshman enrollees and transfer students at state universities must include an explanation of this provision of the articulation agreement

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STATE BOARD OF EDUCATION RULE

6A-10.044 Residency for Tuition Purposes. The State Board of Community Colleges and the Board of Regents shall maintain consistent policies and practices for the classification of students as residents for tuition purposes to facilitate the transfer of students among institutions. The policies and practices may vary to accommodate differences in governance, but the determinations of classification shall be consistent to assure students of being classified the same regardless of the institution determining the classification.

(1) The classification of a student as a Florida resident for tuition purposes by a public Florida community college or university shall be recognized by other public postsecondary institutions to which the student may later seek admission, unless the classification was erroneous or the student did not then qualify as a resident for tuition purposes.

(2) Once a student has been classified by a public institution, institutions to which the student may transfer are not required to re-evaluate the classification unless inconsistent information suggests that an erroneous classification was made or the student's situation has changed.

(3) Changes the State Board of Community Colleges and the Board of Regents intend to make in the policies and practices for the classification of students as residents for tuition purposes shall be filed with the Articulation Coordinating Committee.

(4) Non-U.S. citizens such as resident aliens, parolees, asylees, refugees, or other permanent status persons (e.g., persons who married U.S. citizens and temporary permanent residents), who have applied to and have been approved by the U.S. Immigration and Naturalization Service for indefinite stay and employment shall be considered eligible to establish Florida residency for tuition purposes. In addition, nonimmigrants holding one of the following visas shall be considered eligible to establish Florida residency for tuition purposes. Persons in visa categories not listed herein shall be considered ineligible to establish Florida residency for tuition purposes.

(a) Visa category A -Government official.

(b) Visa category E -Treaty trader or investor.

(c) Visa category G -Representative of international organization.

(d) Visa category I -Foreign information media representative.

(e) Visa category K -Fiance, fiancee, or a child of United States citizen(s).

Specific Authority 229.053(1) FS. Law Implemented 240.1201 FS. History - New 10-6-92.

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BOARD OF REGENTS RULE

6C-7.006 Limitation on Non-Florida Student Enrollment. The State University System of Florida will accept non-Florida students as defined in 6C-7.005(1) and (3) in numbers not to exceed 10 percent of the total systemwide enrollment. This does not imply that the enrollment of out-of-state students at any single university in the System will be limited to 10 percent of that university's total enrollment as long as the total number in the University System does not exceed 10 percent of the total systemwide enrollment.

Specific Authority 240.209(1), (3)(m) FS. Law Implemented 240.209(1), (3)(h), (m) FS. History—Formerly 6C-2.52(1), 11-18-70, Amended and Renumbered 12-17-74, Amended 12-13-77, 8-11-85, Formerly 6C-7.06.

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PROVISO ACCOMPANYING SPECIFIC APPROPRIATION 199, 1995 GENERAL APPROPRIATIONS ACT

From the funds in Specific Appropriation 199, Florida Atlantic University shall develop and administer a separate budget for FAU Broward for the purpose of establishing a complete university presence in Broward County. The FAU Broward budget shall include all revenues generated locally by the Broward campuses, all positions associated with specially legislated Broward programs from current and previous years, and all additional faculty, staff, and other resources allocated to the university on the basis of Broward enrollments or facilities. In administering its budget, FAU Broward shall base all assignments of Broward faculty and staff, schedule all Broward classes, and evaluate Broward faculty and staff performance.

A minimum of 71 percent of the funds provided for student financial aid in Appropriation 199 shall be allocated for need-based financial aid.

The allocation of the funds in Specific Appropriation 199 shall be based on the BOR 1995-96 Enrollment Plan. The Board of Regents may adjust this plan to take into account the following:

a) overenrollment at specific universities
b) underenrollment at specific universities
c) increased teaching productivity
d) increased student credit hour load
e) other policies needing review
f) a limit of 16.9% of the prior year high school graduates shall be placed on the number of first-time-in-college students admitted into the system for 1995-96.

The Board of Regents shall also take into consideration how the cost factors for administration/research/public service may be adjusted to fund the revised enrollment plan. In addition, the Board of Regents should consider the development of policies for addressing future enrollment increases. The State University System shall have as a goal, for 1995-96, a 10% reduction in the percentage of out-of-state students admitted as first-time-in-college.

From the funds in Specific Appropriation 199 the universities and the Board of Regents shall undertake a study of the relationship of admissions criteria and successful completion of the baccalaureate degree for each university. The Board of Regents shall determine the number of Florida residents meeting the criteria, who applied for admission, and who were denied admission into the State University System, using the most recent prior two years. The Board of Regents shall submit a report to the President of the Senate and the Speaker of the House of Representatives on or before, November 1995.

From the funds in Specific Appropriation 199 which are provided for the Center for Affordable Housing, the Center shall consult with the Department of Community Affairs as it develops its research and work plan for the 1995-96 fiscal year in order that issues of statewide concern related to the provision of affordable housing in the state of Florida may be addressed.

From the funds provided in Specific Appropriation 199, an additional $5,000,000 are provided to continue the State University System Teaching and Departmental Incentive Program, on a competitive basis, in order to recognize, promote and stimulate high quality and productive teaching. Each university shall submit an implementation plan for approval by the Board of Regents prior to being funded. Individual plans shall include two elements: (1) annual awards for departments, schools, and colleges judged by the university to have the strongest teaching program and/or the most creative program for improving teaching; and (2) individual salary incentives which provide for a $5,000 increase in the base salary of the recipient. Individual teaching awards are to be based on productivity, teaching effectiveness and creativity. These awards are a permanent increase in the base salary of the award recipient and shall be retroactive to the date of the beginning of the annual contract in the event the award is made subsequent to this date.

To be eligible for funding, proposals must contain the following information:

1. Guidelines for distributing awards to the various teaching units.
2. A process for soliciting nominations for the awards.
3. Provisions for the use of a peer review process, that will include faculty and students in selecting the award recipients, and
4. A design program for evaluating the college, school, or departmental programs of teaching support and improvement as a part of its accountability program.
5. A design and implementation program for evaluating administrators.

The Board of Regents shall provide a report to the Legislature, by January 1, 1996, regarding the elements of the approved plans and the implementation status.

Funds provided in Specific Appropriation 199 for the Institute of Government shall support state university and community college research, training and technical assistance which address problems of state and local governments. The Institute of Government may disburse funding for approved proposals to a Grants and Donations Trust Fund. The Institute of Government may not retain any portion of moneys for approved proposals.

Specific Appropriation 199 includes funding for the following issues:

1) $185,000 for Broward Library
2) $150,000 for North Palm Beach Honors College
3) $215,000 for Florida Growth Management Center
4) $500,000 for the Collins Center
5) $105,000 for Wastewater Treatment Facility - University of West Florida
6) $100,000 for the Institute of Public Health - Florida Agricultural and Mechanical University
7) $500,000 for the Summit of the Americas Center Florida International University
8) $101,812 for the Military Related Economic Development - University of Central Florida
9) $1,000,000 for the Degree Tracking Program - University of Florida

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